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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,445	01/14/2004	Eric R. Soldan	MS1-1790US	7839
22801	7590	11/26/2008		
LEE & HAYES PLLC 601 W Riverside Avenue Suite 1400 SPOKANE, WA 99201			EXAMINER QUELER, ADAM M	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 11/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,445	<b>Applicant(s)</b> SOLDAN ET AL.	
	<b>Examiner</b> ADAM M. QUELER	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,12-15,17-22 and 24-41 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 and 26-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,12-15,22,24,25 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications: RCE filed 09/29/2008, Amendment filed 08/26/2008.
2. Claims 1, 3-8, 10, 12-15, 17-22, 24-41 are pending in the case. Claims 1, 3-8, 10, 12-15, 22, 24-25 and 41 are elected. Claims 1, 10, and 22 are elected independent claims.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2008 has been entered.

#### ***Election/Restrictions***

4. Claims 17-21 and 26-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/12/2006.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 6 recites the limitations "the inline elements" and "the shape". There is insufficient antecedent basis for this limitation in the claim. For examining purposes only, they will be considered to be "inline elements" and "a shape"

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**10. Claims 1,3-7,10,12-15,22,24,25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair et al. (US 20040133855 A1, 7/8/2004), and further in view of W3Schools.com, "CSS Pseudo-Classes", and further in view of Parasnis (US 20010044809 A1, 11/22/2001), and further in view of "New Features in Internet Explorer 5" (11/14/2003), hereinafter IE5.**

**Regarding independent claim(s) 1,** Blair discloses compiling formatted video content (XHTML and stylesheets, para. 28) into a serialized binary format (para. 7, binary code, para.

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28). Blair discloses the formatted video content includes a markup language (para. 7). Blair teaches the process is specific to XML (para. 16). Blair teaches that a process that is specific to a predetermined client is used (para. 38). Blair teaches the process renders the video content in the serialized binary format so as to be consistent with the original markup language (para. 36).

Blair teaches that CSS is used in the markup language to be processed (para. 28), but does not explicitly disclose what specific selectors are used. W3Schools discloses CSS that select an element by pseudo-class (whole document). It would have been obvious to one of ordinary skill in the art at the time of the invention for Blair to process document with pseudo-class selectors, because pseudo-class selectors were a common element of the standard (W3schools, p. 4) of the standard known to be in documents processed by Blair (para. 28). The use of these selectors would also have enabled more flexibility in formatting pages (W3Schools, p. 1, line 1).

Blair and W3Schools do not disclose a dictionary for translation. Parasnis teaches a localization dictionary (reference file, para. 36) to translate one or more textual words of formatted video content into a plurality of languages (para. 36, replaced with localized objects). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the localization of Parasnis in the above combination because it is necessary to provide localized support to the content could usable by those who understand different languages (Parasnis, para. 3). The above combination does not disclose that the localization file is included in the content. IE5 teaches a web page (analogous to the content of Blair) including multiple files related to the web page (analogous to the localization dictionary). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the localization

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dictionary in the formatted video content, because it would enable easier transportation of the video content.

**Regarding independent claim(s) 10**, Blair discloses capturing a presentation result of processed video content (XHTML and stylesheets, para. 28) and creating a serialized binary format (para. 7, binary code). Additionally Blair teaches that the invention is for optimized layout of the original web page. Therefore, inherently, in the normal course of operation Blair will present all the original features of the original web page such as layout, rendering, UI interaction, and dynamic aspects. Blair discloses the formatted video content includes a markup language (para. 7). Blair teaches the processing is specific to XML format (para. 16). Blair teaches a specific embodiment where only one type of client is used (para. 20). Therefore, the process of that embodiment is specific to that client as it is the only one it contemplates using. Blair teaches the process renders the video content in the serialized binary format so as to be consistent with the original markup language (para. 36).

Blair and W3Schools do not disclose a dictionary for translation. Parasnis teaches a localization dictionary (reference file, para. 36) to translate one or more textual words of formatted video content into a plurality of languages (para. 36, replaced with localized objects). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the localization of Parasnis in the above combination because it is necessary to provide localized support to the content could usable by those who understand different languages (Parasnis, para. 3). The above combination does not disclose that the localization file is included in the content. IE5 teaches a web page (analogous to the content of Blair) including multiple files related to the web page (analogous to the localization dictionary). It would have been

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obvious to one of ordinary skill in the art at the time of the invention to include the localization dictionary in the formatted video content, because it would enable easier transportation of the video content.

**Regarding independent claim(s) 22**, Blair discloses compiling formatted video content (para. 15, information stream, data files) into a serialized binary format (para. 7, binary code) that includes layout aspects of the formatted video content (para. 28). Blair discloses storage for the content (para. 23) and the server does the compilation (para. 22). Blair teaches that the invention is for optimized layout of the original web page. Therefore, inherently, in the normal course of operation Blair will present all the original features of the original web page such as layout, rendering, UI interaction, and dynamic aspects.

Blair discloses the formatted video content includes a markup language (para. 7). Blair teaches the format is specific to XML (para. 16). Blair teaches a specific embodiment where only one type of client is used (para. 20). Therefore, the process of that embodiment is specific to that client as it is the only one it contemplates using. Blair teaches the process renders the video content in the serialized binary format so as to be consistent with the original markup language (para. 36).

Blair and W3Schools do not disclose a dictionary for translation. Parasnis teaches a localization dictionary (reference file, para. 36) to translate one or more textual words of formatted video content into a plurality of languages (para. 36, replaced with localized objects). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the localization of Parasnis in the above combination because it is necessary to provide localized support to the content could usable by those who understand different languages

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(Parasnis, para. 3). The above combination does not disclose that the localization file is included in the content. IE5 teaches a web page (analogous to the content of Blair) including multiple files related to the web page (analogous to the localization dictionary). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the localization dictionary in the formatted video content, because it would enable easier transportation of the video content.

**Regarding dependent claim(s) 3,** Blair teaches the formatted video content includes source content in one or more language (para. 7). Blair teaches an email format (para. 15).

**Regarding dependent claim(s) 4, 12,** Blair teaches translating the content in the binary format with DOM into a DOM hierarchy corresponding to the original content (para. 36).

**Regarding dependent claim(s) 5, 13,** Blair teaches that the invention is for optimized layout of the original web page. Therefore, inherently, in the normal course of operation Blair will present all the original features of the original web page such as layout, rendering, UI interaction, dynamic aspects, form elements, scrolling, navigation and event handling.

**Regarding dependent claim(s) 6, 14,** Blair does not explicitly the contents of the web pages that it processes. Official Notice is given that web pages at the time of the invention commonly contained an inline image and shape in which they are to be placed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Blair to process web pages with shapes and images because it would have been desirable to make Blair able to process commonly occurring web pages. Blair does not specifically recite reflowing such elements consistent with a display resolution and size, however it would have been obvious to one of ordinary skill in the art at the time of the invention to do so as an object of Blair was to



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adapt the style to the specific display (para. 38), and used reflow to accomplish this goal (para. 55).

**Regarding dependent claim(s) 7, 15, 25,** Blair teaches XHTML with CSS (para. 32).

**Regarding dependent claim(s) 24,** Blair teaches cable (para. 5).

**Regarding dependent claim(s) 41,** Blair teaches that CSS is used in the markup language to be processed (para. 28), but does not explicitly disclose what specific selectors are used.

W3Schools discloses CSS that select an element by pseudo-class including links (p. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention for Blair to process document with pseudo-class selectors, because pseudo-class selectors were a common element of the standard (W3schools, p. 4) of the standard known to be in documents processed by Blair (para. 28). The use of these selectors would also have enabled more flexibility in formatting pages (W3Schools, p. 1, line 1).

**11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blair, W3Schools, Parasnis and IE5 as applied to claim 1 above, and further in view of Allen et al. (US 20050044499 A1, 02/24/2005).**

**Regarding dependent claim(s) 8,** Blair does not explicitly disclose converting the format of non-textual video content into one more alternative non-textual formats. Allen teaches converting the format of non-textual video content into one more alternative non-textual formats (para. 24). It would have been obvious to one of ordinary skill in the art at the time of the invention to converting the format of non-textual video content into one more alternative non-textual formats because it would be a better format for delivery (para. 28).

***Response to Arguments***

12. Applicant's arguments, filed 09/29/2008, with respect to the rejection(s) of claim(s) 1 et al. under §103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Blair, W3Schools, Parasnis, and IE5.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM M. QUELER whose telephone number is (571)272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adam M Queler/  
Examiner, Art Unit 2178